

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 4997 of 2004

Date of Decision: 11.09.2006

Union of India

...Petitioner

Vs.

Jaspal Singh & Ors.

...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.M.S.Guglani, Advocate,
for the petitioner.

Vinod K.Sharma, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India to challenge the order dated 20.2.2002 passed by the learned Additional District Judge,Ludhiana directing the Union of India to pay the balance amount as per the execution application moved by the Decree Holder. The amount was directed to be deposited by 16.3.2002. No amount was deposited nor any steps were

taken. It was only on 5.7.2004 that the present revision petition was filed which is highly belated.

Learned counsel for the petitioner placed on record an affidavit of Shri S.C.Kaushik, Defence Estate Officer, Jalandhar Circle, Jalandhar Cantt explaining the delay which reads as under:

“2. That thereafter the ld. Addl. C.G.S.G. sent the certified copy of the order along with his legal opinion to the deponent which was received in the office of the deponent on 10.4.2002.

3. That the proposal for seeking legal opinion of LA (Defence) for filing civil revision against the impugned order dated 20.2.2002 was forwarded to the Director General, Defence Estate, New Delhi vide office letter No.PB/5003/ACQ/CR/Vol-II/1 dated 12.4.2002.

4. That thereafter a reminder was sent to Dte.DE/DG.DE vide No.PB/5003/ACQ/CR/Vol-II/3 dated 15.5.2002 for expediting the decision.

5. That the DG.DE asked Dte.DE to clarify the some points vide letter No.204/3/70/ACQ/WC/DE/Vol-XXVII/21 dated 16.5.2002.

6. That a telegram was received from Dte.Genl,DE New

Delhi by Dte. DE. Chd. for comments on DEO's proposal/letter dated 12.4.2002.

7. That a detailed reply to DG,DE,New Delhi letter dated 13.6.2002 was forwarded vide DEO, JRC vide letter No./PB/5003/ACQ.EXE/Vol.11/7 dated 9.7.2002 to Dte,DE,Chd. copy to DG, DE, New Delhi.

8. That thereafter a reminder was sent to Dte.DE/DG,DE vide letter No.PB/5003/ACQ.EXE/CR/9 dated 21.9.2002.

Another reminder was sent to Dte./DE.DG,New DE vide letter No.PB/5003/ACQ.EXE/CR dated 23.12.2002.

9. That another reminder was sent to Dte./DE/DG, DE vide letter No.PB/5003.ACQ/EXE/CR dated 6.5.2003 regarding filing of the civil revision petition.

Thereafter vide letter No.PB/5003/ACQ/EXE/CR dated 24.7.2003 the DG,DE was requested to expedite the decision.

10. That thereafter another reminder was sent to Dte./DE.DG, vide letter No.PB/5003/ACQ/EXE/CR/21 dated 2.9.2003.

Thereafter another reminder was sent to Dte./DE. vide

letter No.PB/5003/ACQ/EXE/23 dated 16.12.2003 and brief along with present position was forwarded vide letter No.PB/5003/ACQ/EXE/25 dated 17.12.2003.

11. That another reminder was sent to Dte. DE. vide letter No.1PB/5003/ACQ/EXE/27 dated 22.12.2003.

Thereafter another letter No.PB/5003/ACQ/WC/DE/Vol.88/20 dated 6.1.2004 was sent to DG,DE.

12. That Dte.DE.Chd. sent a detailed letter to De, DE New Delhi for according sanction for filing of Civil Revision vide letter No.PB/5003/ACQ/WC/DE/Vol. 88 dated 12.1.2004.

13. That thereafter DG,DE raised objection vide letter No.204/3/70/ACQ/WC/DE/Vol.XXVII dated 21.1.2004.

14. That the documents/reply to the objection was forwarded to DG,DE/Dte.DE vide DEO, JRC letter No.PB/5003/ACQ/EXE/38 dated 23.1.2004.

15. That thereafter the information was received from DG,DE New Delhi vide letter No.204/3/70/ACQ/WC/DE/Vol-XXVII dated 9.2.2004 that the case referred to LA (Defence) for opinion.

16. That thereafter the decision of LA(Defence)/DG,DE

for filing Civil Revision against order dated 20.2.2002 was received vide letter No. 204/3/70/ACQ/WC/DE/Vol. XXVII dated 17.2.2004.

17. That thereafter receiving decision for filing of Civil Revision, the case was referred to Dte.DE.Chd. for according sanction for Misc. expenditure to be incurred in filing the Civil Revision petition.

18. That the Dte.DE released the Cash assignment sanction and asked the PCDA to release the payment.

19. That a reminder was sent vide letter No.PB/5003/ACQ/EXE/57 dated 23.2.2004 to PCDA, Chd. for releasing Cash Assignment for filing the Civil Revision Petition.

20. That again PCDA,Chd. was reminded telegraphically to release the Misc. expenditure vide No.PB/5003/ACQ/EXE dated 3.3.2004.

21. That PCDA, Chd. released the payment of Misc. Expenditure vide letter No.Cash/11/Chd/CA dated 8.3.2004 and the same was received in this office on 12.3.2004.

22. That the documents for filing the Civil Revision petition were referred to Addl.CGSC, Chd. vide letter

No.PB/5003/ACQ/CR/67 dated 27.3.2004 along with all connected documents and Misc. expenditure.”

The above mentioned facts show that the payment was released for meeting expenses for filing revision petition on 8.3.2002. In spite of this, no other steps were taken till July, 2004. The averments made in the affidavit do not make out any case to explain the delay. The revision petition being highly belated is dismissed on this ground alone.

11.09.2006
rp

(Vinod K.Sharma)
Judge